

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

STEPHEN KILLINGER,

Plaintiff,

-against-

PORTFOLIO RECOVERY  
ASSOCIATES, LLC,

Defendant.

**COMPLAINT**

Case No. 1:13-CV-1312 (DNH/CFH)

NOW COMES Plaintiff, STEPHEN KILLINGER ("Plaintiff"), by and through his attorneys, Krohn & Moss, Ltd., for his Complaint against Defendant, PORTFOLIO RECOVERY ASSOCIATES, LLC., ("Defendant"), alleges as follows:

Nature of the Action

1. This action is brought by Plaintiff pursuant to the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*

Parties

2. Plaintiff is a natural person residing in Troy, Rensselaer County, New York.

3. Plaintiff is obligated or allegedly obligated to pay a debt and is a consumer as defined by 15 U.S.C. § 1692a(3).

4. Defendant is a business entity with an office in Norfolk, Virginia.

5. Defendant is a debt collector as defined by 15 U.S.C. § 1692a(6), and sought to collect a consumer debt from Plaintiff.

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers.

Jurisdiction and Venue

7. Jurisdiction of this court arises pursuant to 15 U.S.C. § 1692k(d), which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy.”

8. Defendant conducts business in the State of New York establishing personal jurisdiction.

9. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

Factual Allegations

10. Defendant places collection calls to Plaintiff seeking and demanding payment for an alleged consumer debt owed by an individual named “Jasmine.”

11. Upon information and belief, Plaintiff does not owe the debt Defendant is attempting to collect.

12. Defendant calls Plaintiff at phone number 518-326-38XX.

13. Defendant places calls to Plaintiff from phone number 1-859-586-9557, which is a number that belongs to Defendant.

14. On July 31, 2013 at 2:47 pm Plaintiff spoke to Defendant’s representative “George” and requested that Defendant cease placing collection calls because “Jasmine” no longer had Plaintiff’s phone number.

15. Despite Plaintiff’s request, Defendant continued to place collection calls to Plaintiff on August 7, 2013 at 9:10 A.M., August 15, 2013 at 12:32 P.M., August 21, 2013 at 4:31 P.M., September 4, 2013 at 5:21 P.M., and September 16, 2013 at 2:47 P.M.

CLAIM FOR RELIEF

16. Defendant's violations of the FDCPA include, but are not limited to, the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.
- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the number called.

17. Plaintiff is entitled to his attorney's fees and costs incurred in this action.

**WHEREFORE**, Plaintiff prays that judgment be entered against Defendant for the following:

- (1) Statutory damages of \$1000.00 pursuant to 15 U.S.C. § 1692k;
- (2) Reasonable attorneys' fees, costs pursuant to 15 U.S.C. § 1692k; and
- (3) Awarding such other and further relief as may be just, proper and equitable.

Dated: October 22, 2013

KROHN & MOSS, LTD.

By: /s/ Adam T. Hill

Adam T. Hill  
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**VERIFICATION OF COMPLAINT AND CERTIFICATION**

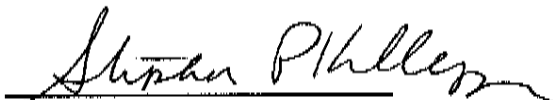
STATE OF New York)

Plaintiff, Steve Killinger, says as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, Steve Killinger, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

Dated: 9/16/13

  
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Steve Killinger,  
Plaintiff